UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,122	09/28/2001	Jerlyn R. Culp	10017934-1	4439

7590   06/14/2005

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EXAMINER
LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/966,122	CULP ET AL.
	Examiner	**Art Unit**	
	Etienne P LeRoux	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 April 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
  closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-3,5-11,14-17 and 20-30_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-3,5-11,14-17 and 20-30_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _11 April 2005_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
  application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
  since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
  37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
  reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4/11/05_ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Claim Status:

Claims 1-3, 5-11, 14-17 and 20-30 are pending. Claims 4, 12, 13, 18 and 19 have been

canceled. Claims 1-3, 5-11,14-17 and 20-30 are rejected as detailed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:·

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 3, 8-11, 14, 16, 17, 20-24 and 27-30 are rejected under 35 U.S.C. 103(a) as·

being unpatentable over Pub. No. US 2003/0063072 to Brandenberg et al (hereafter

Brandenberg) in view of Pub. No. US 2002/0184321 issued to Fishman et al (hereafter Fishman).

<u>Claims 1 and 20:</u>

Brandenberg discloses:

an interface configured to receive a calendar source list [tabular representation of digital content, Fig 1I, paragraphs 652 and 653] and a calendar database generated by a first party, the calendar source list comprising:

type [Brandenberg, type 371 - Fig 1I, paragraph 380], identification [Brandenberg, digital content ID - Fig 1I, 365], format source identifier [HTML, paragraph 261]

a native format [paragraph 557]

a delivery method [broadcast or narrowcast, paragraph 264]

wherein a source includes information compiled by an organization-of-interest to the first party [Table 1I, 397, user's soccer team, paragraph 657]

a collection and distribution unit [HTML/XML server 127, Fig 1B, paragraph 261] for accessing the source and retrieving calendar data in accordance with said calendar source list via said interface

Brandenberg discloses the elements of the invention as noted above but does not disclose logic configured to incorporate retrieved calendar data into the calendar database associated with the first party to generate an updated calendar database, and configured to deliver the updated calendar database to the first party in accordance with information residing in the calendar source list. Fishman discloses logic configured to incorporate retrieved calendar data into the calendar database associated with the first party to generate an updated calendar database, and configured to deliver the updated calendar database to the first party in accordance with information residing in the calendar source list [Fig 4, paragraph33]. It would have been obvious to one f ordinary skill in the art at the time the invention was made to modify Brandenberg to include

logic configured to incorporate retrieved calendar data into the calendar database associated with

the first party to generate an updated calendar database, and configured to deliver the updated

calendar database to the first party in accordance with information residing in the calendar source

list as taught by Fishman for the purpose of inviting a person to an event scheduled by an other

user of the network system. The skilled artisan would have been motivated to modify

Brandenberg per the above such that a visual record of an invitation can be produced on the

invitee's handheld digital device.

Furthermore, Fishman discloses the calendar database comprising information reflecting

the schedule of the first party [Fishman, Fig 6]

Claim 3:

The combination of Brandenberg and Fishman discloses the elements of claim 1 as noted

above and furthermore, Brandenberg discloses said calendar database is associated with a

subscribing party and integrates calendar information from an unrelated calendar source

[paragraphs 7 and 8].

Claim 8:

The combination of Brandenberg and Fishman discloses the elements of claims 1 and 3

as noted above and furthermore, Brandenberg discloses logic configured to transfer calendar

information in accordance with the delivery format and delivery method [paragraph 659]

Claim 9:

The combination of Brandenberg and Fishman discloses the elements of claims 1, 3 and 8

as noted above and furthermore, Brandenberg discloses said interface comprises a wireless

interface [Fig 1B, cellular communications 131, paragraph 261].

Claim 10:

The combination of Brandenberg and Fishman discloses the elements of claims 1, 3 and 8

as noted above, and furthermore, Brandenberg discloses a LAN [local area wireless network,

paragraph 262].

Claim 11:

The combination of Brandenberg and Fishman discloses the elements of claims 1, 3 and 8

as noted above, and furthermore, Brandenberg discloses a wide area network [Internet and

WWW, paragraph 370].

Claim 14:

The combination of Brandenberg and Fishman discloses the elements of claim 1 as noted

above, and furthermore, Brandenberg discloses text format data [paragraph 400].

Claim 16:

The combination of Brandenberg and Fishman discloses the elements of claim 1 as noted

above, and furthermore, Brandenberg discloses html format data [HTML/XML server 127, Fig

1B, paragraph 261].

Claim 17:

The combination of Brandenberg and Fishman discloses the elements of claim 1 as noted

above, and furthermore, Brandenberg discloses specifying a World Wide Web address

[paragraph 370].

Claim 21:

The combination of Brandenberg and Fishman discloses the elements of claim 20 as

noted above, and furthermore, Brandenberg discloses integrating information from the calendar

information comprises identifying the calendar information type [Brandenberg, type 371 - Fig 1I,

paragraph 380].

Claim 22:

The combination of Brandenberg and Fishman discloses the elements of claim 20 as

noted above, and furthermore, Brandenberg discloses integrating calendar information comprises

identifying a receive format [HTML etc., paragraph 400].

Claim 24:

The combination of Brandenberg, Fishman and Berenson discloses the elements of claim

20 as noted above, and furthermore, Brandenberg discloses integrating information from the

source comprises identifying a calendar source location on a network [Table 1I, 397, user's

soccer team, paragraph 657].

Claim 27:

The combination of Brandenberg and Fishman discloses the elements of claim 20 as

noted above, and furthermore, Brandenberg discloses a wireless medium [Fig 1B, 131]

Claim 28:

The combination of Brandenberg and Fishman discloses the elements of claim 20 as

noted above, and furthermore, Brandenberg discloses transmitting a representation of the

composite calendar via a wired medium [Fig 1B, 133]

Claim 29:

The combination of Brandenberg and Fishman discloses the elements of claim 20 as

noted above, and furthermore, Brandenberg discloses forwarding the composite calendar

comprises transmitting a representation of the composite calendar [paragraph 657]

Claim 30:

The combination of Brandenberg and Fishman discloses the elements of claim 20 as

noted above, and furthermore, Brandenberg discloses forwarding the composite calendar

comprises conveying a representation of the composite calendar [paragraph 657]

Claim   rejected under 35 U.S.C. 103(a) as being unpatentable over the combination

of Brandenberg and Fishman as applied to claims 20 and 22 above, and further in view of Pub

No US 2001/0049617 issued to Berenson et al.

Claim 23:

The combination of Brandenberg and Fishman discloses the elements of claims 20 and 22

as noted above but does not disclose wherein the receive format is different from the delivery

format. Berenson discloses wherein the receive format is different from the delivery format

[system sends event schedule in proper format for a user [paragraph 33]. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the above

combination of references to include wherein the receive format is different from the delivery

format as taught by Berenson for the purpose of ensuring that the user is able to receive the

message [paragraph 33]. The skilled artisan would have been motivated to improve the above

combination of references such that the user is able to receive information from publicly-posted

event schedules [paragraph 17].

Claims 2, 5-7, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over

the combination of Brandenberg and Fishman and further in view of US Pat No 5,761,525 issued

to Williams (hereafter Williams).

Claim 2:

The combination of Brandenberg and Fishman discloses the elements of claim 1 as noted

above but fails to disclose capturing calendar information via optical character recognition.

Williams discloses capturing calendar information via optical character recognition [Fig 3B, step

250, Fig 1, 118]. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the combination of Brandenberg and Berenson to include

capturing calendar information via optical character recognition as taught by Williams for the

purpose of inputting data which can be read by the processor [col 2, lines 60-65]. The ordinarily

skilled artisan would have been motivated to modify the combination of Brandenberg and

Berenson per the above such that a non-manual means of data entry can be used and therefore,

data entry is accelerated and made more accurate.

Claim 5:

The combination of Brandenberg, Fishman and Williams discloses the elements of claims

1 and 2 as noted above and furthermore, Williams discloses a scanner [Fig 1, 118]

Claim 6:

The combination of Brandenberg, Fishman and Williams discloses the elements of claims

1 and 2 as noted above and furthermore, Williams discloses wherein said logic is configured to

convert said image information into a data file [col 4, lines 11-21]

Claim 7:

The combination of Brandenberg, Fishman and Williams discloses the elements of claims

1 and 2 as noted above and furthermore, Williams discloses wherein logic is configured to

convert said image information into text [col 4, lines 11-21]

Claim 25:

The combination of Brandenberg and Fishman discloses the elements of claim 20 as

noted above but fails to disclose integrating information from the source comprises scanning

image information from a representation of a calendar. Williams discloses capturing calendar

information via optical character recognition [Fig 1, 118, Fig 3B, step 250]. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the

combination of Brandenberg and Fishman to include capturing calendar information via optical

character recognition as taught by Williams for the purpose of inputting data which can be read

by the processor [col 2, lines 60-65]. The ordinarily skilled artisan would have been motivated

to modify the combination of Brandenberg and Berenson per the above such that a non-manual

means of data entry can be used and therefore, data entry is accelerated and made more accurate.

Claim 26:

The combination of Brandenberg, Fishman and Williams discloses the elements of claims

20 and 25 as noted above and furthermore, Williams discloses translating the image information

into the native format [col 4, lines 11-21].

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination

of Brandenberg and Fishman and further in view of US Pat No 6,760,728 to Osborn (hereafter

Osborn).

Claim 15:

The combination of Brandenberg and Berenson discloses the elements of claim 1 as

noted above but fails to disclose vCard compliant data. Osborn discloses vCard compliant data

[col 8, lines 40-67]. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the combination of Brandenberg and Berenson to include vCard

compliant data as taught by Osborn for the purpose of using formats native to calendaring

devices [abstract]. The skilled artisan would have been motivated to modify the combination of

Brandenberg and Berenson per the above such that industry-accepted formats can be used for

electronic mail [abstract].

Response to Arguments

Applicant's arguments filed 4/11/05, have been fully considered but they are not

persuasive.

Applicant Argues:

Applicant states in the paragraph joining pages 11 and 12 "However, Applicants note that

Berenson discloses that 'the user may indicate what kind of calendar the user has so the system

may send the event schedule entry in the proper format.' Clearly, Berenson fails to disclose,

suggest or teach delivering 'the updated calendar database in the native format' as recited in

claim 1. Nor does Brandenberg disclose, suggest or teach either the features of generating 'an

updated calendar database' or delivering 'the updated calendar database to the first party in

accordance with the information residing in the calendar source list.'"

Examiner Responds:

Examiner is not persuaded. Consider above comment that Berenson dos not disclose,

suggest or teach delivering 'the updated calendar database to the first party in the native format.'

Examiner is confused because Applicant amended claim 1 to remove the phrase "in the native

forma." from the above limitation. Clearly, "in the native format is no longer relevant to claim

1." However, considering the gist of the present invention, examiner notes paragraph 17 of the

specification of the present invention includes the following:

The obtained calendar information may be converted into a standard format, for example a
format native to a particular subscriber unit or calendar database, prior to distribution. The
information may be selectively or fully processed to, for example, sort or otherwise organize the
calendar information so as to place it into a desired format for distribution to a user.

Brandenberg discloses the following in paragraphs 400, 553 and 5554:

0400] While Macromedia Flash is a complete solution, other language and data formats may be
used. Other language formats include but are not limited to HTML, DHTML, CHTML, WML
and Apple QuickTime. Other data formats include, but are not limited to plain text, MP3, WAV,
MIDI, JPEG, GIF and PNG.

[0553] 3.G.1. E-Mail: The e-mail mode of communication is one in which text messages are
keyed in by one user and communicated in a text form over network 11 to a designated recipient.
The e-mail mode of communication on network 11 utilizes conventional e-mail formats and
protocols. E-mail messages may be accumulated and saved in an electronic in-box, whereby the
e-mail messages may be read at the leisure and convenience of the recipient.

[0554] 3.G.2. Instant messaging: The instant messaging mode of communication is one in which
text messages are keyed in by one user and delivered immediately to the recipient user if the
recipient user's appliance is in an IM receipt mode. IM messages received while in the IM receipt
mode subordinate other content on the recipient's appliance. Thus, IM is considered "hotter" than
e-mail. It is desirable that the IM mode of communication on network 11 utilizes conventional
IM formats and protocols.

Examiner maintains that the disclosure by Brandenberg of well-known data formats such

as HTML, DHTML, CHTML, WML and Apple QuickTime. Other data formats include, but are

not limited to plain text, MP3, WAV, MIDI, JPEG, GIF and PNG reads on the claimed "native

formats."

Applicant Argues:

Applicant presents the same arguments as above when considering claims 20-24 and 27-

30.

Examiner Responds:

Applicant is referred to above response by examiner.

Conclusion

Applicant's submission of the requirements for the joint research agreement prior art

exclusion under 35 U.S.C. 103(c) on 4/11/2005 prompted the new ground(s) of rejection under

37 CFR 1.109(b) presented in this Office action. Accordingly, THIS ACTION IS MADE

FINAL. See MPEP § 706.02(l)(3). Applicant is reminded of the extension of time policy as set

forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

5/31/2004

MOHAMMAD ALI
PRIMARY EXAMINER
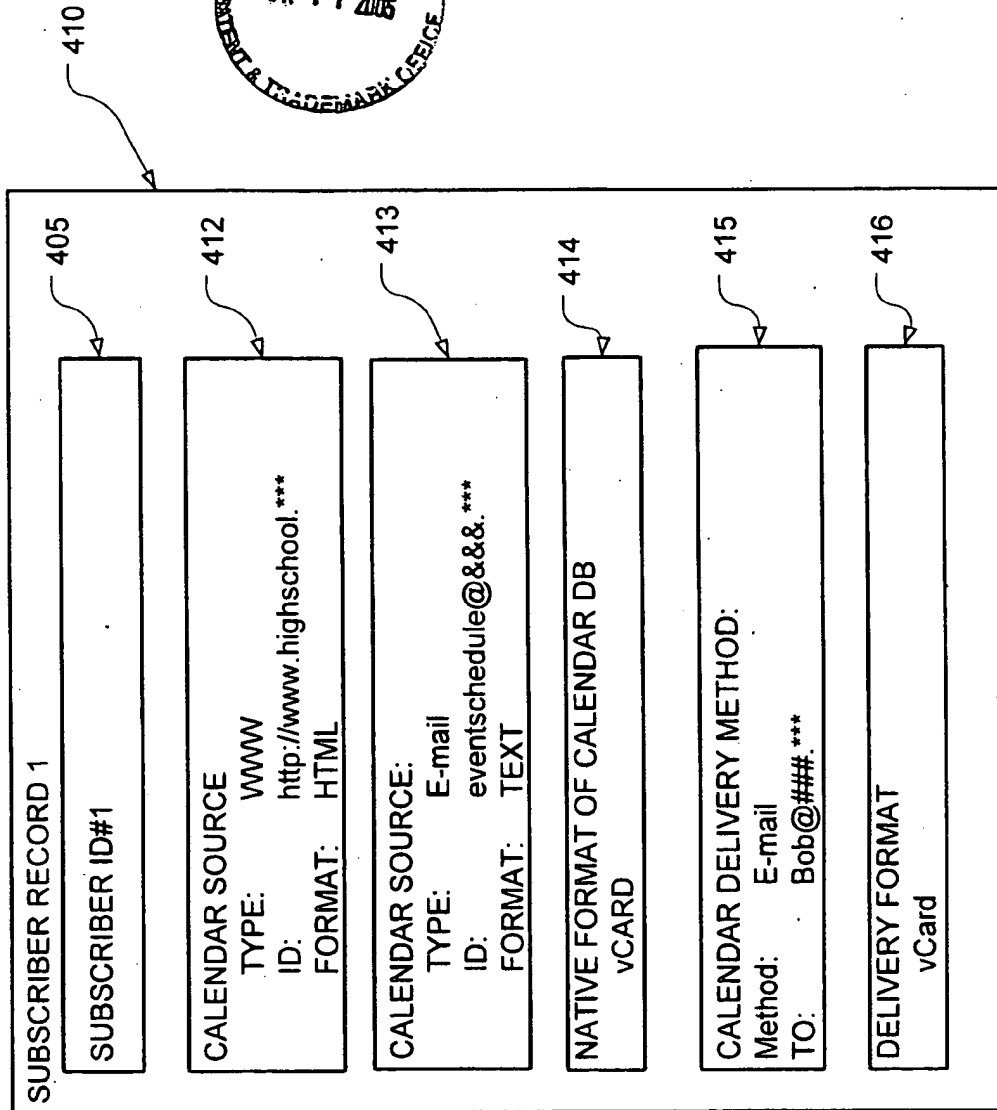
acceptable
EPdR 6/1/05

OIPE
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405 ── SUBSCRIBER RECORD 1

SUBSCRIBER ID#1

412 ── CALENDAR SOURCE
TYPE: WWW
ID: http://www.highschool.***
FORMAT: HTML

413 ── CALENDAR SOURCE:
TYPE: E-mail
ID: eventschedule@&&&.***
FORMAT: TEXT

414 ── NATIVE FORMAT OF CALENDAR DB
vCARD

415 ── CALENDAR DELIVERY METHOD:
Method: E-mail
TO: Bob@###.***

416 ── DELIVERY FORMAT
vCard

FIG. 4B